

Exhibit 8



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VIA E-MAIL: tangla.fudge-bernal@hhs.gov

Ms. Tangla Fudge-Bernal
Coordinating Attorney/CMS Enforcement
The Centers for Medicare & Medicaid Services

**Re: REMARKABLE HEALTHCARE OF FORT WORTH
CMS Certification Number (CCN): 676285**

Dear Ms. Fudge-Bernal,

On behalf of Remarkable Healthcare of Fort Worth (hereinafter the “**Fort Worth Facility**” or “**Facility**”), Gutnicki LLP, as counsel, respectfully requests CMS to abate, halt, or reconsider the Imposition of Remedies dated April 3, 2024, because allowing the Fort Worth Facility to remain open and operational through the CHOW process that began on March 1, 2024 is in the best interests of the patients, residents, and the government for the following reasons:

A. The Fort Worth Facility is the ONLY Facility in Fort Worth, Texas (population of 967,457) that accepts patients with Candidas Auris, Geri-Psych patients, and High Acuity patients.

The Fort Worth Facility services nine (9) large hospitals who discharge a high quantity of patients needing skilled nursing care each month. Therefore, both the community of Fort Worth—which, according to the Texas Demographic Center, has a population of 967,457—and the government need this Facility to remain open.

This Facility is one of the few facilities in Fort Worth that accepts higher acuity patients (patients whose condition is severe and imminently dangerous), including being the only facility in Fort Worth that accepts patients with candidas auris. This Facility is also one of the very few that accepts geri-psych patients—these patients, specifically, have been kicked out of, and/or denied by, other facilities due to the erratic and hard-to-manage behaviors associated with dementia and late-life depression and psychosis. The Fort Worth Facility has successfully managed these geri-psych patients’ behaviors, focusing on each person’s individual needs, resulting in them thriving at the Facility. The City of Fort Worth needs this Facility to stay open to treat, care for, and rehabilitate these high acuity and high risk patients and residents.

Additionally, the Facility is well known as specialty facility for wound care in Fort Worth. After a 2022 survey result regarding wound care, the Facility hired a full-time certified wound care nurse with vast wound care experience. Now, the Facility achieved national recognition as a Wound Care Facility of Excellence by VOHRA wound care, and the Facility’s QAPI data reflects its success with wound outcomes.

B. CHOW as of March 1, 2024 to West Wharton Hospital District, Admission to QIPP, and Corrective Action Taken to Remedy Prio Survey Results

On March 1, 2024, the Fort Worth Facility was CHOWed to West Wharton Hospital District (“WWHD”) and admitted into the QIPP. Numerous patient-care and administrative changes occurred due to the CHOW and as required by WWHD to include the Facility in the QIPP. The Facility has already raised (and will continue to raise) the level of resident care, and many of these changes have corrected the conditions that took the Facility out of substantial compliance.

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First, the Facility's previous Director of Nursing ("Prior DON") was not following policy or procedures, including refusing to staff the Facility according to the company's staffing requirements/policy and failing to monitor documentation. That Prior DON was swiftly terminated (serving only 6-month tenure) after the February 12, 2024 survey, and on March 28, 2024, a new DON (the "New DON") started at the Facility. The New DON not only has exceptional operational experience as a DON, but she also possesses extensive surveyor experience. Post-CHOW, the Fort Worth Facility *intentionally* hired this New DON for her knowledge of regulatory compliance. The New DON's experience as a state surveyor has already and will continue to aid the Facility with providing ongoing education and oversight of the staff regarding daily documentation, ongoing regulatory compliance through systems, and daily monitoring to ensure compliance. Since the New DON's start date, she has reconfigured the Facility's patient medical record software to allow efficient transfer of all secured text message communication into the daily documentation EMR modules, ensuring important physician notifications and communications are documented in the patient medical record. This act alone fully corrects the Facility's prior survey results and ensures that this Facility will no longer have documentation issues.

Second, two now-terminated Assistant Directors of Nursing ("ADONs") were not following Facility policy regarding documentation by failing to transition the messages on the secured text app used to communicate with physicians into documentation in the patient medical record. Facility policy required the ADONs to monitor daily charting every 24-hour period, part of the company's policy for "Daily Start Up" review; however, these ADONs were not adhering to this policy. Since the CHOW on March 1, 2024, neither of these two ADONs are employed at the Facility.

Third, the most severe deficiency the Facility received was not re-ordering patient medication timely—Facility investigation determined this was caused by a breakdown in communication between the medication aides and nurses. In addition to terminating the ADONs who failed to perform the required daily documentation audits, the communication systems have been corrected with supervised, mandatory medication counts between shifts. Additionally, since the CHOW, nursing administration is working with the contracted pharmacy to monitor timeliness of order deliveries. These changes were made post-CHOW to ensure the new owner will not repeat the conditions raised in the pre-CHOW surveys.

Fourth, the new owner, West Wharton Hospital District, owns multiple hospitals and skilled nursing facilities in Texas. They are quality-outcome focused, enjoying successful outcomes with skilled nursing facilities they own. Beginning in February 2024, WWHD has been active in the Fort Worth facility QAPI meetings, making recommendations and following up with facility staff on all action items. WWHD has a team of quality consultants who work within their facilities, monthly, to ensure quality patient outcomes.

C. Pure Health is taking over as Manager of the Fort Worth Facility before April 18th

In addition to the CHOW, the Fort Worth Facility's operations and management is being transitioned to Pure Health before April 18, 2024. Pure Health has the experience and expertise to continue to raise the quality performance of the Facility. Pure Health currently operates more than 14 skilled nursing facilities in Texas. They also operate several SNFs inside one of the largest healthcare hospital systems in Texas, giving them immediate access to physicians and nurses knowledgeable about care pathways, necessary for successful patient outcomes. Their experience caring for high acuity patients gives them the ability to immediately and positively impact patient care at the Fort Worth Facility. Pure Health has been provided access to the Fort Worth Facility's EMR to proactively assist them with a smooth transition. As a part of the transition, Pure Health leaders are currently reviewing the Facility's documentation for quality assurance purposes. This affords them the opportunity to immediately focus on quality improvement projects upon completion of the transition in the next 10 days.

For these reasons and more, it is in the best interests of the patient residents and the government to abate, halt, or otherwise reconsider the Imposition of Remedies dated April 3, 2024 against Remarkable Healthcare of Fort Worth. Terminating the Facility's Medicaid & Medicare Provider Agreement irreparably and detrimentally harms the patient residents of the Fort Worth Facility, a majority of whom have no other facility available to them due to their Candidas Auris diagnosis, their status as geri-psych patients, and/or their high acuity conditions,

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meaning their condition is severe and imminently dangerous. Without this Facility—the only Facility in Fort Worth to accept, admit, and treat these patients, they would have nowhere else to go, and that is bad not only for the patients, but also for the government. The management and operations of the Fort Worth Facility are mid-transition to Pure Health, and the ownership of the Facility is mid-CHOW to WWHD. It is indisputably in the best interests of both the patient residents and the government to abate, halt, or otherwise reconsider the Imposition of Remedies dated April 3, 2024 against Remarkable Healthcare of Fort Worth to allow the Facility to remain open, operational, and admitting patients through the completion of the CHOW to WWHD.

Thank you for your consideration, and we are available to provide any follow-up information and answer any questions you may have.

Sincerely,


GUTNICKI LLP

By: 
Liz Boydston
Its: Partner


and

REMARKABLE HEALTHCARE FORT
WORTH

By:


Laurie Beth McPike
Its: President/CEO

By:


Jon E. McPike
Its: COO

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Stats on Pure Health

Per the following link, please see Pure Health stats below:

<https://health.usnews.com/best-nursing-homes/area/tx/purehealth-transitional-care-at-texas-health-presbyterian-676410>

- Current designation due to CMS 5-Star rating - Best Nursing Homes, US News and World report
- 60.2% of residents were able to return home compared to 53% nationally
- 0% of residence found resulting in a major injury compared to 1% nationally
- 4.8% of short-term rehabilitation stays resulted in a serious infection requiring hospitalization compared to 8% nationally
- 20% of residents were hospitalized during their stay compared to 23% nationally
- 4.6% of short-term residents needed to go to an ER during their stay compared to 12.3% nationally
- In 2023, their Texas Health Presbyterian location only had two minor deficiencies sited.
- Currently, their Arlington location is also a CMS 5-Star rating facility.

West Wharton Hospital District

Per the following link below, please see SNFs owned by West Wharton:

<https://www.hhs.texas.gov/sites/default/files/documents/sb8-nf-eligibility-may-2022.pdf>

West Wharton Hospital District currently owns 32 skilled nursing facilities, totaling 3,988 certified licensed beds.

WEST WHARTON HOSPITAL DISTRICT SKILLED NURSING FACILITIES

Facility Name	Facility_ID	County	Service Type	License Number	Physical Address City	Physical Address State	# of Licensed Beds
BRIGHTPOINTE AT LYTLE LAKE	106765	TAYLOR	MEDICARE/MEDICAID	307730	ABILENE	TX	120
BRUSH COUNTRY NURSING AND REHABILITATION	005263	TRAVIS	MEDICARE/MEDICAID	308248	AUSTIN	TX	118
BUENA VIDA NURSING & REHAB SAN ANTONIO	004795	BEXAR	MEDICARE/MEDICAID	308534	SAN ANTONIO	TX	222
CIMARRON PARK NURSING AND REHABILITATION CENTER	106904	EL PASO	MEDICARE/MEDICAID	307738	EL PASO	TX	124
COASTAL PALMS NURSING & REHABILITATION	005391	SAN PATRICIO	MEDICARE/MEDICAID	307367	PORTLAND	TX	97
CYPRESS HEALTHCARE AND REHABILITATION CENTER	103551	HAYS	MEDICARE/MEDICAID	307274	SAN MARCOS	TX	174
FRANKLIN HEIGHTS NURSING & REHABILITATION	004985	EL PASO	MEDICARE/MEDICAID	308573	EL PASO	TX	132
GARDEN VILLA NURSING & REHABILITATION	004712	WHARTON	MEDICARE/MEDICAID	307536	EL CAMPO	TX	150
GRANBURY CARE CENTER	005089	HOOD	MEDICARE/MEDICAID	308556	GRANBURY	TX	174
GULF SHORES REHABILITATION AND HEALTHCARE CENTER	004951	BROOKS	MEDICARE/MEDICAID	308199	FALFURRIAS	TX	86
HERITAGE NURSING & REHABILITATION	100297	BEXAR	MEDICARE/MEDICAID	307368	SAN ANTONIO	TX	150
LAKESIDE NURSING AND REHABILITATION CENTER	105220	BEXAR	MEDICARE/MEDICAID	307259	SAN ANTONIO	TX	120
LAKEVIEW REHABILITATION AND HEALTHCARE CENTER	004769	WOOD	MEDICARE/MEDICAID	308291	WINNSBORO	TX	60
LONE STAR RANCH REHABILITATION AND HEALTHCARE CENTER	004571	KLEBERG	MEDICARE/MEDICAID	308550	KINGSVILLE	TX	146
MIDLOTHIAN HEALTHCARE CENTER	106083	ELLIS	MEDICARE/MEDICAID	308284	MIDLOTHIAN	TX	120
MYSTIC PARK NURSING AND REHABILITATION CENTER	101669	BEXAR	MEDICARE/MEDICAID	307315	SAN ANTONIO	TX	119
OASIS NURSING & REHABILITATION CENTER	004619	EL PASO	MEDICARE/MEDICAID	308557	EL PASO	TX	130
PRAIRIE MEADOWS REHABILITATION AND HEALTHCARE CENTER	005344	WILSON	MEDICARE/MEDICAID	308260	FLORESVILLE	TX	120
RENAISSANCE REHABILITATION AND HEALTHCARE CENTER	004362	ELLIS	MEDICARE/MEDICAID	308552	ITALY	TX	74
RIVER RIDGE NURSING & REHABILITATION	005351	NUECES	MEDICARE/MEDICAID	307291	CORPUS CHRISTI	TX	120
ROLLINGBROOK REHABILITATION AND HEALTHCARE CENTER	107101	HARRIS	MEDICARE/MEDICAID	308202	BAYTOWN	TX	130
SOUTHERN SPECIALTY REHAB & NURSING	004235	LUBBOCK	MEDICARE/MEDICAID	308576	LUBBOCK	TX	144
ST JAMES HOUSE OF BAYTOWN	004682	HARRIS	MEDICARE/MEDICAID	307298	BAYTOWN	TX	105
STERLING HILLS REHABILITATION AND HEALTHCARE CENTER	004635	NOLAN	MEDICARE/MEDICAID	308553	SWEETWATER	TX	96
STEVENS HEALTHCARE OF YOAKUM	004566	LAVACA	MEDICARE/MEDICAID	307529	YOAKUM	TX	106
THE RIO AT MISSION TRAILS	104934	BEXAR	MEDICARE/MEDICAID	308538	SAN ANTONIO	TX	124

TIMBERIDGE NURSING AND REHABILITATION CENTER	005023	JASPER	MEDICARE/MEDICAID	307270	JASPER	TX	114
TRUCARE LIVING CENTERS COLUMBUS	103831	COLORADO	MEDICARE/MEDICAID	149378	COLUMBUS	TX	104
TWILIGHT HOME	004861	NAVARRO	MEDICARE/MEDICAID	308578	CORSICANA	TX	102
WEST HOUSTON REHABILITATION AND HEALTHCARE CENTER	106098	HARRIS	MEDICARE/MEDICAID	308242	HOUSTON	TX	161
WEST OAKS NURSING & REHABILITATION	005348	HARRIS	MEDICARE/MEDICAID	307383	HOUSTON	TX	136
WILLOW PARK REHABILITATION AND HEALTHCARE CENTER	005354	BOSQUE	MEDICARE/MEDICAID	308551	CLIFTON	TX	110
							3,988